

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

Freddie Martinez, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

Chenault Consulting Inc.,

Defendant.

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Civil Action No. 1:20-cv-954-KRS-GJF

**JOINT STIPULATION OF DISMISSAL WITH PREJUDICE  
PURSUANT TO RULE 41(a)(1)(A)(ii)**

Plaintiff Freddie Martinez (“Plaintiff” or “Martinez”) and Defendant Chenault Consulting Inc. (“Defendant” or “Chenault”) pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, hereby stipulate that the above-captioned action be dismissed with prejudice, with each Party to bear his or its own attorney’s fees and costs.

Plaintiff has reached a Confidential Settlement Agreement with Defendant to resolve all of his claims against Defendant in this lawsuit brought pursuant to the federal Fair Labor Standards Act (“FLSA”).

Judicial approval of a FLSA settlement is not required when the parties are represented by counsel and there is a mutual settlement of a bona fide dispute as to the amount of hours worked as opposed to a waiver of a plaintiff’s substantive FLSA rights. *See, e.g., Bodle v. TXL Mortg. Corp.*, 788 F.3d 159, 164-65 (5th Cir. 2015); *Martin v. Spring Break ’83 Prods., L.L.C.*, 688 F.3d 247, 257 (5th Cir. 2012).

Here, Plaintiff and Defendant, each represented by counsel, jointly stipulate that they have reached a mutual resolution of bona fide disputes between Plaintiff and Defendant relative

to the FLSA. Accordingly, Court-approval of the settlement is not required in order to dismiss this lawsuit.

There are no pending motions in this lawsuit as to any Party herein.

Counsel for all Parties have signed this stipulation below. As such, this stipulation of dismissal with prejudice is appropriate pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, and no Order from the Court dismissing the above-captioned action is necessary in order to effectuate dismissal of this action.

Dated: May 3, 2022

Respectfully submitted,

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**Attorneys for Defendant**

**CERTIFICATE OF SERVICE**

I hereby certify that on May 3, 2022, I filed this document using the Court's CM/ECF electronic filing service, which will transmit notice to all parties in the case.

s/ Melinda Arbuckle

Melinda Arbuckle